

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN MARC VAN DEN HEUVEL,
Plaintiff,
v.
WITHERTON, et al.,
Defendants.

No. 2:22-cv-2280 DJC DB PS

ORDER

Plaintiff is proceeding in this action pro se. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c)(21).

On May 8, 2023, the Magistrate Judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within fourteen days after service of the findings and recommendations. The fourteen-day period has expired, and Plaintiff has filed objections to the findings and recommendations. The Court has reviewed these objections, which suffer from the same defects as the First Amended Complaint as identified by the Magistrate Judge. The objections further appear to suggest that Plaintiff was transported to the hospital and forced to remove his shoes, neither of which are cognizable claims.

The Court has reviewed the file and finds the findings and recommendations to

1 be supported by the record and by the Magistrate Judge's analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The findings and recommendations filed May 8, 2023 (ECF No. 8) are
4 adopted in full;

5 2. Plaintiff's December 21, 2022 application to proceed in forma pauperis (ECF
6 No. 2) is denied;

7 3. The amended complaint filed on April 4, 2023, is dismissed without leave to
8 amend; and

9 4. This action is dismissed.

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11 IT IS SO ORDERED.

12 Dated: September 3, 2023


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE

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